

STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



(See Issuing Division below)

**PERMIT\***



The New Jersey Department of Environmental Protection grants this permit in accordance with your application, attachments accompanying same application, and applicable laws and regulations. This permit is also subject to the further conditions and stipulations enumerated in the supporting documents which are agreed to by the Permittee upon acceptance of the permit.

Permit No. 0714-03-0007.4WFD090001

Application No. 0714-03-0007.1WFD090001

Issuance Date **AUG 24 2009**

Effective Date  
Same as issuance date

Expiration Date **AUG 24 2014**

**Name and Address of Applicant**

Morris Lister Avenue Associates, LLC  
350 Veterans Blvd.  
Rutherford, NJ 08701

**Name and Address of Owner**

Applicant

**Name and Address of Operator**

Applicant

**Location of Activity/Facility (Street Address)**

Block 2437, Lots 1-4,8,9,51&62  
City of Newark, Essex County

**Issuing Division**

Division of Land Use Regulation

**Statute(s)**

NJSA 12:5-3

**Type of Permit:** Waterfront Development

Maximum Approved Capacity,  
if applicable

This permit grants permission to:

Construct 740 Linear Feet of new steel bulkhead within 18" outshore of the existing timber bulkhead along the Passaic River, in the City of Newark, Essex County. The authorized work will take place as shown on plans on Sheet 3 of 11 – OVERALL PLAN and Sheet 10 of 11 – CONSTRUCTION DETAILS, entitled, "NJDEP WATERFRONT DEVELOPMENT, BLOCK 2438, LOTS 1-3, 10, 14&P/O 4, BLOCK 2437, LOTS 1-4, 8, 9, 51 & 62, LISTER AVENUE REDEVELOPMENT, OVERALL PLAN, SITUATED IN CITY OF NEWARK, ESSEX COUNTY, NEW JERSEY", dated 8/13/09, last revised on 3/9/09 and prepared by LGA Engineering, Inc.

A Tidelands Instrument is required for the authorized activities.

Issuance of this permit is in no way construed as a relinquishment by the State of New Jersey of any tidelands right, title or interest in the subject property or in any land surrounding it.

This permit is authorized under and in compliance with the applicable Rules on Coastal Zone Management (N.J.A.C. 7:7E-1.1 et seq.).

Prepared By:

Priya Sundaram, Project Manager

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Revised Date

Approved by the Department of Environmental Protection

Name (Print or Type) Andrew Gale Title Supervisor

Signature SEE FINAL PAGE Date

\*The word permit means "approval, certification, registration, etc."

(General Conditions are on Page Two)

The Permittee shall allow an authorized representative of the Department of Environmental Protection the right to inspect construction pursuant to N.J.A.C. 7:7-1.5(b)4.

This permit is issued subject to and provided the following conditions can be met to the satisfaction of the Land Use Regulation Program. All conditions must be met prior to construction unless otherwise specified. As per N.J.A.C. 7:7E-1.4, the permittee must notify the Bureau of Coastal and Land Use Enforcement, (1510 Hooper Avenue, Toms River, N.J. 08753), in writing at least three (3) days prior to commencement of construction.

### **Coastal Permit General Conditions**

1. This permit is revocable, or subject to modification or change at any time, pursuant to the applicable regulations, when in the judgment of the Department of Environmental Protection of the State of New Jersey such revocation, modification or change shall be necessary.
2. The issuance of the permit shall not be deemed to affect in any way action by the Department of Environmental Protection of the State of New Jersey on any future application.
3. The works, facilities, and/or activities shown by plans and/or other engineering data, which are this day approved, subject to the conditions herewith established, shall be constructed and/or executed in conformity with such plans and/or engineering data and the said conditions.
4. No change in plans or specifications shall be made except with the prior written permission of the Department of Environmental Protection of the State of New Jersey.
5. The granting of this permit shall not be construed to, in any way, affect the title or ownership of property, and shall not make the Department of Environmental Protection or the State a party in any suit or question of ownership.
6. This permit does not waive the obtaining of Federal or other State or local government consent when necessary. This permit is not valid and no work shall be undertaken until such time as all other required approvals and permits have been obtained.
7. A copy of this permit shall be kept at the work site, and shall be exhibited upon request of any person.
8. In cases of conflict, the conditions of this permit shall supersede the plans and/or engineering data.

### **ADMINISTRATIVE CONDITIONS**

1. This permit shall be RECORDED in the office of the County Clerk (the REGISTRAR OF DEEDS AND MORTGAGES in the applicable counties) in the county wherein the lands included in the permit are located within (10) days after receipt of the permit by the applicant and verified notice shall be forwarded to the Land use Regulation program immediately thereafter.
2. **Acceptance of permit:** If you begin any activity approved by this permit, you thereby accept this document in its entirety, and the responsibility to comply with the terms and conditions. If you do not accept or agree with this document in its entirety, do not begin construction. You are entitled to request an appeal within a limited time as detailed on the attached Administrative Hearing Request Checklist and Tracking.

2. Prior to any construction activities, the Permittee must obtain a Department of the Army authorization from the New York District.
3. Prior to start of any construction activities, the Permittee must obtain a Tidelands Instrument from the Bureau of Tidelands Management. Failure to comply with this condition will result in fines up to \$1000 plus \$100 per day, a higher fee for the conveyance and possible prosecution by the Attorney General's Office to remove authorized structures and pay use and occupancy charges.
4. This approval grants permission to the applicant and/or its agents to undertake an activity regulated by the State of New Jersey as described by the text of this permit and as detailed by the herein approved plans. Any construction, grading, removal of vegetation, or other activity at this site within or affecting a regulated flood plain or below the mean high water line, other than specifically approved by this permit or as detailed by the approved drawings, shall require additional approvals from the Department. The commencement of such regulated activities without the appropriate approvals shall be in violation of State law.

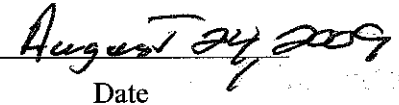
#### PHYSICAL CONDITIONS

1. Due to the presence of highly contaminated sediments within the Passaic River in the project vicinity, should the existing bulkhead be removed, the applicant is responsible to clean all removed timber and other materials of visible sediments. The sediments as well as the rinse water collected shall be disposed of properly so as not to impact human health and the environment. Any submerged debris that will need to be removed to successfully drive the sheet pile must also be cleaned and disposed of in a proper manner to protect human health and the environment. For questions concerning debris removal and disposal, please contact Janine MacGregor of NJDEP's Site Remediation Program at 609-292-1250.
2. All temporarily disturbed areas must be restored and regraded to pre-existing conditions.
3. In order to protect the anadromous fisheries resources of the Passaic River, instream sediment generating activities within the State open waters on site are prohibited between **March 1 to June 30** of each year. The Department reserves the right to suspend all regulated activities on site should it be determined that the applicant has not taken proper precautions to ensure continuous compliance with this condition.
4. Any and all precautions are to be taken to prevent materials, which is toxic to fish, from coming in contact with the waters of the Passaic River.
5. All activities approved by this permit shall be performed under the supervision and direction of a Professional Engineer licensed in the State of New Jersey, and shall be undertaken using the best management practices available. Furthermore, the site shall be subject to inspection at any time by representatives of the Department to ensure the continuous application of the provisions of this permit.
6. During the course of construction, neither the applicant nor its agents shall place or dump any materials, equipment, debris or structures within the River. Upon completion or abandonment of the work, the applicant and/or its agents shall remove and dispose of in a lawful manner all excess materials, equipment and debris from lands adjacent to the River.

7. All activities authorized by this permit shall be stabilized in accordance with Standards for Soil Erosion and Sediment Control in New Jersey (obtainable from local Soil Conservation District Offices), or equal engineering specifications, to prevent eroded soil and sediment from entering adjacent waterways at any time during and subsequent to construction. The Department reserves the right to order the suspension of any activity if unacceptable levels of erosion or turbidity result from the same.
8. All construction materials must be disposed of in a lawful manner outside of any regulated flood plain, open water, freshwater wetlands or adjacent transition areas, and in such a way as to not interfere with the positive drainage of the receiving area.



Andrew Gale, Supervisor  
Division of Land Use Regulation



Date

- C: Bureau of Tidelands  
Bureau of Coastal and Land Use Compliance and Enforcement  
City of Newark Municipal Clerk  
City of Newark Planning Board  
Essex County Planning Board